

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES  
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

UBS AG, UBS EUROPE SE (f/k/a UBS  
(LUXEMBOURG) SA), UBS FUND SERVICES  
(LUXEMBOURG) SA, UBS THIRD PARTY  
MANAGEMENT COMPANY SA, ACCESS  
INTERNATIONAL ADVISORS LLC, ACCESS  
INTERNATIONAL ADVISORS LTD., ACCESS  
MANAGEMENT LUXEMBOURG SA (f/k/a ACCESS  
INTERNATIONAL ADVISORS (LUXEMBOURG) SA)  
as represented by its Liquidator MAÎTRE FERNAND  
ENTRINGER, ACCESS PARTNERS SA as represented  
by its Liquidator MAÎTRE FERNAND ENTRINGER,  
PATRICK LITTAYE, CLAUDINE MAGON DE LA  
VILLEHUCHET (a/k/a CLAUDINE DE LA  
VILLEHUCHET) in her capacity as Executrix under the  
Will of THIERRY MAGON DE LA VILLEHUCHET  
(a/k/a RENE THIERRY DE LA VILLEHUCHET),  
CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a  
CLAUDINE DE LA VILLEHUCHET) individually as the  
sole beneficiary under the Will of THIERRY MAGON  
DE LA VILLEHUCHET) (a/k/a RENE THIERRY DE

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04285 (CGM)

LA VILLEHUCHET), PIERRE DELANDMETER,  
THEODORE DUMBAULD, LUXALPHA SICAV as  
represented by its Liquidators MAÎTRE ALAIN  
RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN  
RUKAVINA AND PAUL LAPLUME, in their capacities  
as liquidators and representatives of LUXALPHA, and  
GROUPEMENT FINANCIER LTD.,

Defendants.

**ORDER DENYING THE UBS DEFENDANTS’  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

Defendants UBS AG, UBS Europe SE (f/k/a UBS (Luxembourg) S.A.), UBS Fund Services (Luxembourg) S.A., and UBS Third Party Management Company S.A. (collectively, the “UBS Defendants”), filed a motion to dismiss the Second Amended Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) as made applicable by Bankruptcy Rule 7012 (ECF No. 285) (the “Motion”) on April 22, 2022. The Court heard oral argument on the Motion on September 14, 2022. The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Second Amended Complaint. The Court issued a memorandum decision, dated December 27, 2022, which is incorporated herein and made a part hereof, denying the Motion (the “Decision”). Based on the record in this adversary proceeding, **IT IS HEREBY ORDERED** that:

1. The Motion is denied.
2. The deadline for the UBS Defendants to file an answer to the Second Amended Complaint (ECF No. 274) is February 28, 2023.

3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: January 5, 2023**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**